IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Writ Petition NO. 1058 of 2004

Shri Babubhai @Jalaluddin
V. Mithani ... Petitioner
vs.
Smt. Yasmin A. Babul & ors. ..... Respondents

Mrs. P. B. Shah for Petitioner
Mr. G. R. Agrawal for Respondent no. 1.
Mr. Girish Kulkarni with Ms. Sonali A. Joshi for Respondent no.2.

CORAM: **F. I. REBELLO & ROSHAN DALVI JJ.**
Date: 2/12/2005

P.C.

By the present petition the Petitioner seeks to challenge the order dated 27/12/2003 confirmed by the order dated 3.4.2002 passed by the Land Reforms Officer. The Petitioner claims right in the land as according to him he was in possession. The Land Reforms Officer, after considering the contentions of the parties was pleased to hold that the Respondent, daughter of the deceased Ahmedbhai Zinabhai Khoja is entitled to have occupancy rights. Certain other

directions were also issued. In appeal preferred the learned Appellate Authority conceded to the contentions. The Petitioner was asked to file affidavit . That was filed. An appeal came to be filed. The finding of fact was reiterated, that the late Ahmedbhai Zinabhai Khoja was in actual possession and consequent to that his legal heirs were entitled to that right. These are purely findings of fact. Nothing has been pointed out before us to show that any evidence was ignored for arriving at the findings of fact or that the findings are perverse. In the light of that no interference is called for. Petition is rejected.

(F. I. REBELLO J.)

(ROSHAN DALVI J.)